

LEGAL BRIEFS

From the Fort Knox Legal Assistance Office

DEBT COMPLAINTS AGAINST SOLDIERS

Federal law distinguishes between "debt collectors" and "creditors." A debt collector is a person or entity which solely collects debts for another person or business. Debt collectors may not contact the chain of command without the soldier's written permission, or a court order. A creditor is a person or entity to whom or which a soldier/debtor owes money. Creditors may contact the soldier's chain of command without the soldier's permission or a court order, unless the soldier/debtor is stationed in a state which prohibits such contact. In both cases, limited contact may be made for locator information only; however, informing the command or other third parties that the information is required for debt collection is prohibited where contact of the employer is not allowed. Refer to AR 600-15, Indebtedness of Military Personnel.

COMMUNICATIONS BY DEBT COLLECTORS ARE REGULATED

Within five days of the first communication with the soldier, the debt collector must furnish him/her written notice of the debt. The notice must identify the debt, the creditor, and how the soldier can require the debt collector to verify the debt (if the soldier believes payment has already been made).

COMMUNICATIONS ARE LIMITED

While a debt collector is allowed to communicate with a soldier/debtor, federal law limits where and when these communications may occur.

- Communications may not be at unusual times, such as before 0800 or after 2000.
- Communications may not be at the soldier's place of employment if the debt collector has reason to know that the employer prohibits such contact. See also paragraph 2 above.
- If the soldier is represented by an attorney, the debt collector should communicate only with that attorney.

CONTACTS WITH THE SOLDIER/DEBTOR

A soldier can stop a debt collector from communicating with him/her simply by writing a letter stating that he/she refuses to pay the debt and requests no further contact with the debt collector. If such notice is provided to the debt collector, the debt collector must cease all communications with the soldier other than to inform him/her that the debt collector intends to file a lawsuit.

If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771. Our hours of operation are Monday through Friday, 0800 - 1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall (north of the post office on Knox Street).